

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JUNE 21, 2004

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, June 21, 2004, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken, Councilors Ballew, Lundberg, Fitch, Ralston and Woodrow. Also present were Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Attorney Meg Kieran, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR FITCH, WITH A SECOND BY COUNCILOR BALLEW, TO ADOPT THE CONSENT CALENDAR WITH ITEM 5.E. REMOVED. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

1. Claims

2. Minutes

- a. June 7, 2004 – Regular Meeting
- b. June 14, 2004 – Work Session
- c. June 14, 2004 – Special Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 04-26 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30370, PUBLIC IMPROVEMENTS IN SHADY CREEK SUBDIVISION.

4. Ordinances

- a. ORDINANCE NO. 6088 – AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA PUBLIC FACILITIES AND SERVICES PLAN (PFSP), TABLE 8 AND MAP 4: PLANNED ELECTRICAL FACILITIES TO SHOW A NEW 115KV TRANSMISSION LINE FROM THE MARCOLA SUBSTATION SITE TO THE LAURA STREET SUBSTATION, AND ADOPTING A SEVERABILITY CLAUSE.

- b. ORDINANCE NO. 6089 – AN ORDINANCE PERTAINING TO SIGN STANDARDS, AMENDING CHAPTER 8 OF THE SPRINGFIELD MUNICIPAL CODE BY REVISING, ADDING, AND DELETING PORTIONS OF SECTION 8.254, ADDING SECTION 8.267, REVISING MAP NO. 2 AND ADDING MAP NO. 4.

5. Other Routine Matters

- a. Award the Bid for One Vehicle for the Land and Drainage Alteration Permit Program with Funds Contained in the FY03-04 Budget and Award a Bid for One Vehicle for the Capital Improvement Program Contingent on the Adoption of the Proposed FY04-05 Budget for a Total of \$43,202.50 to Kendall Ford.
- b. Award the Subject Contract for Project P20404 to Eugene Sand and Gravel in the Amount of \$102,966.50.
- c. Approval of the Recommended 2.5 Percent Pay Increase for City Non-Unionized Employees for FY2005.
- d. Approval of Amendment Number One to the Intergovernmental Agreement Providing Housing for Springfield Prisoners in the Lane County Adult Correction Facility.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Mayor Leiken recused himself from comment on this item due to a conflict of interest.

5.
 - e. Approval of the Proposed Management Agreement Between the City of Springfield and the Springfield Museum Board.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ACCEPT ITEM 5.E. WITH THE ADDITION OF THE SCHEDULE OF ASSETS AND SHOULD BE TRANSFERRED TO THE MUSEUM IN A SUPPLEMENTAL BUDGET AND ARE THE RIGHTFUL PROPERTY OF THE 501(3)(C). THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

PUBLIC HEARINGS

1. Fiscal Year 2004/05 City Budget Adoption.

RESOLUTION NO. 04-27 – A RESOLUTION ADOPTING THE FISCAL YEAR 2004/05 SPRINGFIELD CITY BUDGET, MAKING APPROPRIATIONS, LEVYING A PROPERTY TAX, AND APPROVING THE CITY OF SPRINGFIELD'S PARTICIPATION IN THE STATE REVENUE SHARING PROGRAM.

Finance Director Bob Duey presented the staff report on this item. The City Council is requested to hold a public hearing on the Fiscal Year 2004/05 (FY05) Approved City Budget and approve a resolution to adopt the Fiscal Year 2004/05 City Budget, make appropriations, levy a property tax, and approve the City of Springfield's participation in the State Revenue Sharing Program. The budget has been approved by the Budget Committee on May 18, 2004 and is being brought to council for approval. The budget would be in affect from July 1, 2004 and ending June 30, 2005.

Mr. Duey said the budget was originally presented by the City Manager as part of the budget message on May 4, 2004. The Budget Committee spent three meetings reviewing the proposed budget and made the following changes: 1) a .5 FTE expense for the Environmental Services tech position moved from the RiverBend Fund to the Sewer Fund (no increase in the budget, change in allocation); 2) a change in materials and supplies for the city's Economic Development Program from the Development Services Department to the City Manager's Office (no increase in the budget, change in allocation); 3) a change in Regional Wastewater Capital Projects Budget listing by decreasing budget expenses for the digester mixture improvements designed in secondary clarifier enhancements and increasing the primary clarifier enhancement project (change in allocation); 4) a change in the Regional Wastewater Capital Project List by decreasing the budget in the Regional Wastewater Capital Projects by decreasing the Filtration Project by \$1,010,000; and 5) a change of increasing the scope of the South 32nd Street project and increase the city's Capital Budget by \$504,000 (from this amount the city will contribute \$150,000 from project reserves, ODOT will contribute \$125,000, Les Schwab will contribute \$101,000 and Arlie and Co. will contribute \$128,000). He discussed the amount of the total budget and the number of FTE.

Mr. Duey said this is the second year of the two operating levies. Our permanent tax rate is still \$4.7403 per thousand. The city has established one new fund for next year which is the Building Fund to handle the revenue expenses associated with the building permitting and inspection programs. The fees and charges programs are fairly stable other than planning fees and fees associated with local and regional sewer operations capital projects. He discussed the number of FTE in the coming year. 9.5 positions were eliminated and 19.5 positions added with a net change of 10.45 FTE. The greatest number of positions lost was in public safety, particularly in the Ambulance Billing Program, the D.A.R.E. Program and the Community Services Officer. Additions mainly came through the Community Development Program, either in permit processing or stormwater capital projects.

Mayor Leiken opened the public hearing.

1. Gary Webber, 37078 Camp Creek Road, Springfield., OR. Mr. Webber is chair of the Springfield School Board and spoke on behalf of the School Board. The School Board will officially take action on their budget next Monday for the Springfield Public School District. In their budget they have budgeted three quarters of the operating budget for the D.A.R.E. program. Council will hear testimony tonight that this program touches a number of people in our community. He is pleased the school district and the city have been able to support this program in a partnership over the years. He discussed the difficulty in keeping such programs with limited resources. He discussed the number of children reached through this program as well as families reached regarding substance resistance and education. Good will is also built between our law enforcement and our families. The School Board asks council to appropriate the funds to pay the remaining twenty five percent which would amount to about \$30,000. He discussed how community partners have assisted each other and stepped up to help when they could not. The school board is willing to step up this year and would ask council to consider an amendment to the budget to appropriate \$30,000 to the D.A.R.E. Program. The School Board would like to work with the city, other public agencies and private companies to find a long-term solution. He asked council to consider the results and the positive impact this program has on our community.
2. Linda Blake, 1804 11th Place, Springfield, OR Ms. Blake spoke as a parent and noted the importance of the D.A.R.E. Program. She referred to her son's yearbook from the 5th grade.

She said that throughout his yearbook, other students had written comments such as “my proudest moment is when I graduated from the D.A.R.E. Program” or “my proudest moment was when I got to ride in the D.A.R.E. car”. She discussed the importance of the program for these children and the positive relationship they have with the D.A.R.E. officer. She asked council to consider the funds for this program.

3. Ashley Peters, 1881 11th Place, Springfield, OR. Ashley said she was in the D.A.R.E. Program. It taught her a lot about drugs and she would like to see the program stay in the school. She has younger sisters and brothers and she would like them to be able to go through the program to learn about how drugs and alcohol can hurt you.
4. Nick Wenzel, 1897 11th Place, Springfield, OR Nick said he would really like to see the D.A.R.E. Program stay because he would like his younger siblings to learn about D.A.R.E.
5. Thomas Spikes, 1021 5th Street, Springfield, OR. Thomas said he would like D.A.R.E. to stay because he learned a lot from the program. He would like his younger sister to go through the D.A.R.E. Program and do all of the fun things he got to do. He graduated from D.A.R.E. and will be going to day camp this summer. He would like his sister to do those same things, too.
6. Jacquea Broillard, 1804 11th Place, Springfield, OR. Jacquea said D.A.R.E. has taught him how to keep drug free from marijuana, tobacco, etc. and he wants future 4th graders to have D.A.R.E., too. The program taught him a lot about how smoking and drinking can affect a lot of your life. He does not have younger siblings, but would hope the younger kids in first grade would have a chance to go through D.A.R.E., too.
7. Steve Sakaguchi, 135 W. 52nd Avenue, Eugene, OR. Mr. Sakaguchi has owned McDonald’s restaurants for fifteen years in Portland, Hillsboro, Milwaukie, Gresham and now in the great city of Springfield. He has hired many young adults over those fifteen years. They use a 70 question pre-employment screening test for application and fifteen of those questions relate to substance awareness and issues. They see the positive results of effective D.A.R.E. Programs. The teenage students who pass their exam have learned from the D.A.R.E. Program, not only how to recognize, but to resist the social pressures of tobacco, drugs and alcohol. D.A.R.E. not only teaches awareness and resistance, but it also helps develop decision making skills, communication and risk assessment. He will continue to support the D.A.R.E. Program and on behalf of all employers in Springfield, would ask the city to do the same.
8. Lori Palermo, 2783 N. 31st Street, Springfield, OR. Ms. Palermo was present on behalf of the Springfield Board of Realtors. The last time she came before council, she asked that the city find some way to fund this program, as the Springfield School District had cut it completely from their budget. Since that time, the Springfield School District has approved funding three quarters of the funding. The Springfield School District stepped up to the plate and did what they could and the Springfield Board of Realtors will continue to do their share as well. They believe in the importance of doing everything they can to keep educating and encouraging local school children to make positive decisions in their life and the D.A.R.E. Program has been successful in doing that. The D.A.R.E. Program emphasizes positive choices that lead to a drug and violence free lifestyle and that’s what we want from our kids in Springfield. She knows there are no easy decisions with regard to budget cuts. She asked each councilor to please do whatever it takes to save this program and save our kids.

Assistant City Manager Cynthia Pappas noted that there were five additional pieces of written testimony received regarding the D.A.R.E. Program. Those documents will be entered into the record.

Mayor Leiken closed the public hearing.

Councilor Ralston asked about the cost of the D.A.R.E. Program for this year. Last year the total cost was \$90,000.

Police Chief Jerry Smith said the program cost last year was just over \$90,000 which included the officer's salary and some materials and services costs. This year the total is about \$115,000, not including the summer program. The summer program is run from donations and volunteer work.

Councilor Ralston asked where the funds could come from if council voted to reinstate funding for the D.A.R.E. Program.

Mr. Duey said they have looked at ways to make the program sustainable, but couldn't find anything dependable. They then looked at ongoing service cuts that could generate dollars for this program, but departments could not find additional cuts for funding this program. That left only the one time funding scenario. For a one-time only funding, they could look at reserves, but the Budget Committee had concerns about doing that. The one area would be through reduced expenditures this year that would become carryover for next year. By starting early they may be able to create a carryover in the amount needed.

Councilor Lundberg said she has worked in the prevention field for a long time and has spent time in the schools. She has done research on what works and what doesn't work. She does believe that in our community the D.A.R.E. Program does make a difference, particularly because of the officer that works in the program. She noted that the school district has many programs in place that work within the health curriculum. The city had to cut a Community Services Officer (CSO) and she noted the effectiveness of that position. If she had a choice to maintain a position in the Police Department, she would have chosen the CSO. She also would not have chosen to cut the Library position. The Budget Committee did not choose to do a one-time funding for this program. She is open to discussions for ongoing funding of the program. She believes this would have to include all types of additional work in additional grades. It should be coordinated with curriculum already in place. It can't be just one grade level and she cannot support funding this on a one-time basis when the bigger picture needs to be looked at. She cannot support adding back in the D.A.R.E. Program when she would have prioritized the other two programs first.

Councilor Ballew said as popular as the D.A.R.E. Program is, financially we cannot have everything and this is not the city's highest priority. It is hard to justify giving this a first priority for available funds. She agreed with Councilor Lundberg. She could support it, if it were one-time only, if she knew the dollar amount and if they could vote on it separately. She needs to know where the money is coming from. There needs to be another funding source. It can be done with volunteers and retired police officers.

Councilor Woodrow thanked the school district and school board for stepping up to the plate. He agreed with Councilor Lundberg and Councilor Ballew that this is very difficult. He spoke of cuts of the CSO and Library which he would have much rather funded. If we have a specific place where that money is coming from and this is a this-year only funding, he could support the

twenty-five percent funding of the D.A.R.E. officer, but there has to be a way to fund it in future years.

Councilor Fitch said this has not been an easy decision for council. She noted the large number of young speakers and the letters she has received on this topic. She challenged D.A.R.E. to use this as a rally point to go forward to PTA's, the business community and others to seek funding for this program. She discussed the Library Foundation and how they have raised funds for some of the Library's programs and the Museum Board and their move to become independent. She will support this tonight, but she cannot say she would support it next year. If D.A.R.E. is this vital for the children, we need other partners to help support the program. She challenged the children to go back to their schools next year and ask the PTA's to help with fundraising because that gives ownership of the program.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR RALSTON TO ADOPT RESOLUTION NO. 04-27 WITH THE CHANGES TO THE D.A.R.E. PROGRAM AND THE CARRYOVER OF \$28,750 FROM THE GENERAL FUND INCLUDED WITH THE \$86,250 FROM THE SCHOOL DISTRICT FOR THE FUNDING OF THE D.A.R.E. PROGRAM FOR ONE YEAR OF \$115,000. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 1 AGAINST (LUNDBERG).

Councilor Ballew reiterated this is the last year she will vote for this.

Mayor Leiken said it would be appropriate for Mr. Webber and members of the council to formulate a long-term strategy for this program. The business community is also supportive of this program and they need to rally with other businesses to help support it financially. Springfield has been successful because of partnerships and will continue to be successful. He thanked all those who came to testify, especially the young citizens.

2. Proposed Resolution Establishing a New Regional Wastewater System Development Charge (SDC) Methodology and a New Regional Wastewater SDC Fee Schedule.

RESOLUTION NO. 04-28 – A RESOLUTION OF THE CITY OF SPRINGFIELD
COMMON COUNCIL ESTABLISHING A NEW METHODOLOGY AND FEE
SCHEDULE FOR THE REGIONAL WASTEWATER SYSTEM DEVELOPMENT
CHARGE AS SET FORTH IN THE SPRINGFIELD CITY CODE.

Environmental Services Supervisor Gary Colwell presented the staff report on this item. A new methodology for determining the Regional Wastewater SDC was approved by the Metropolitan Wastewater Management Commission (MWMC) on April 1, 2004. The new methodology is based upon the recommendations of a citizens advisory committee (CAC) appointed by MWMC. On May 6, 2004, MWMC approved a new SDC Charge Schedule based on the new methodology. MWMC forwarded the new Regional Wastewater SDC methodology and SDC Charge Schedule to the Cities of Springfield and Eugene for adoption consistent with the Intergovernmental Agreement.

In the fall of 2002, MWMC amended its methodology for determining SDCs for regional facilities. The resulting new SDC charges sparked extensive opposition, including the threat of legal action, from the Lane County Home Builders Association (HBA). In September of 2003, MWMC, Springfield, and Eugene reached an agreement with the HBA that avoided litigation

during the development of a new Regional Wastewater SDC methodology and provided an interim regional SDC fee update.

In accordance with that agreement, MWMC hired a consultant and appointed a citizen advisory committee (CAC) which included a representative of the HBA. The CAC met nine times between late October, 2003 and Mid March, 2004. CH2M Hill was retained as a consultant for this process. The CAC presented their recommendations to MWMC on April 1, 2004. Following a public hearing, MWMC approved the new SDC methodology. On May 6, 2004, MWMC approved a new schedule of regional wastewater SDC charges. MWMC forwarded the new regional wastewater SDC methodology to the Cities of Springfield and Eugene for adoption consistent with the Intergovernmental Agreement.

Mr. Colwell met with council on May 17. Eugene had a public hearing last Monday night and there is an ongoing public hearing at Lane County. Lane County will be taking action on this item soon. Staff and the consultants feel they have come up with a fair and equitable methodology resulting in SDC's among the lowest in the state. Methodology is complicated regarding legal issues, etc., but with this new methodology any developer can easily estimate their SDC charges. He mentioned the staff team that worked with the CAC as well as staff from CH2M Hill and other consultants. Capital costs for these projects will be paid with a combination of SDC's and user fees in a balance. There has already been an increase in user fees. Mr. Colwell said that Debbie Galardi of Galardi Consulting was in attendance at the meeting and was available for questions regarding the methodology itself. Ms. Galardi was the financial consultant to CH2M HILL on the SDC study.

Mayor Leiken opened the public hearing.

1. Roxie Cuellar, 2053 Laura Street, Springfield, OR. Ms. Cuellar was present on behalf of the HomeBuilders Association (HBA) and the HomeBuilders Construction Company. She said she submitted a large number of documents for the public record and an additional letter written to the City of Springfield councilors. She said when adopting a methodology, council is not adopting a System Development Charge (SDC) because this methodology does not result in a SDC because the methodology does not include any relevant numbers. She said it is important for the methodology to include numbers because it is through the methodology the public: has a sixty day review period; the council has a chance to review the numbers; and the court has the opportunity to review the numbers. She gave an example and referred to a table for calculating the SDC. The table is not part of the methodology and facilities plan and is not part of this process. The public and the courts do not get a chance to review this table for accuracy or anything else. The city and MWMC are taking a huge gamble if they adopt this methodology. The HBA will appeal the methodology, not because of the SDC, but because of the methodology itself. The city is gambling that they will win on a methodology that has never been adopted before. If the city loses, they will be required to go back to the current methodology and reimburse everyone that got a permit during the period when the court was reviewing it. They would then have to create a new SDC, but if they settle they could get their new SDC much faster. She said MWMC and the city had no plan yet. There are other methodologies out there and she encouraged them to look at those. She referred to some of those methodologies in other cities. Without a good methodology, we end up in court and that is a waste of everyone's money.
2. Mike Hudson, 91069 N. Willamette Street, Coburg, OR Mr. Hudson is the City Administrator for the City of Coburg. Mr. Hudson said the City of Coburg is in support of

the SDC's fees. They also wanted to point out that the City of Coburg is in the process of building their first ever wastewater facility. They are considering the option of joining the MWMC in the future. In the near future, the City of Coburg may seek the City of Springfield's support for the possibility of joining the MWMC. The city has been verbally assured by the State of Oregon that they would pay for the study to look at the costs of Coburg joining the MWMC. The City of Coburg would not ask for any subsidies from any jurisdiction and would pay its own way. He said they believe the study would show it's ecologically the appropriate thing to do. It is not just an environmental issue, but is a dollars and cents issue. It could be a partnership that would serve all communities. Some discussions had been held among staff regarding a line in the Urban Growth Boundaries (UGB) between Eugene and Springfield and Coburg. Just as Springfield does not want to see the growth out in those farmlands, neither does Coburg. That issue has been solved in the City of Turner which is just outside of Salem. He hopes that in the future Coburg can come back to Springfield as partners.

3. Representative Phil Barnhart, P.O. Box 71188, Eugene, OR. Mr. Barnhart is the State Representative from House District 11. He chose to speak following the City Administrator from the City of Coburg because there are several municipalities in his district including Coburg. These smaller municipalities have significant sewer problems and difficulties related to ground water issues. Brownsville and Creswell are too far away to consider joining MWMC. His concern is with a little thinking outside the box, it could be possible to allow for a connection between Coburg and the large sewer system reducing the cost to Coburg significantly. It would also have an improvement on the ecological outcomes of the river basin where their affluent would otherwise be discharged. Coburg's discharge would be less than one percent. As Springfield considers SDC's, they understand that these systems are extremely expensive. The costs involved for a small municipality such as Coburg are more extensive, perhaps as much as double, as the cost of tying in to a system that already exists and is already in the process of being improved. Mr. Barnhart is urging council's consideration in changes that may need to be made in the Metropolitan Plan, Metropolitan Sewer Plan and other plans to allow Coburg to tie in with appropriate safeguards to protect those who are already in the system and the buffer between Coburg and Eugene, Coburg and Springfield that exists now with respect to the UGB's. Coburg would pay their own costs.

Mayor Leiken closed the public hearing.

Councilor Ballew said in regard to the SDC fees, it is public sentiment that growth should pay for itself. In this process, the MWMC hired a consultant and formed a Citizen Advisory Committee (CAC) and held open public meetings in late 2003 and 2004 to arrive at an equitable, well-reasoned method for charging growth for its share in capacity increases in the wastewater system. The SDC methodology before council is the consensus outcome of this CAC, which Councilor Ballew was a member. She said SDC's don't pay for the total increased capacity because of time and complexity issues of large public works. What growth does not pay becomes the burden to the existing taxpayers. There is some urgency in moving forward with this plan and the methodology as our current National Pollution Discharge Elimination System (NPDES) Permit expires December 31, 2006. We need to demonstrate compliance with new treatment requirements. Delay adds construction costs and would place additional cost on the existing ratepayer. Delay would also detract from our ability to supply capacity needed, and to serve new and expanded business and industrial interests.

Councilor Ralston asked if there was something the city would need to change to allow small municipalities to join with MWMC.

Susie Smith, General Manager of MWMC, addressed Councilor Ralston's question. The MWMC is bound by the intergovernmental agreement (IGA) only to provide services to the governing bodies, which include Eugene, Springfield and Lane County. There are also specific restrictions in the Metro Plan about sewer services within the urban growth boundary with a couple of exceptions. The two cities could entertain modifying the IGA to make other accommodations and could promote or initiate Metro Plan amendments. If that is something the cities and county wanted to pursue, a study with all the resources and staffing needed to look at all of the issues such as cost, the governance and the environmental factors, could be completed.

Councilor Ralston said that makes a lot of sense and could reduce our costs. If they are willing to pay their share of hooking up and it is better for the environment, he would support that.

Councilor Lundberg said she would also like to think regionally, particularly regarding Coburg. When she was a member of the Lane Council of Governments (LCOG) Board, they increased the transportation planning to include Coburg. Sewer systems are very important and are one of the greatest things we have done because they do so much in terms of what has to occur. They are very expensive, but are worth the expense. She is supportive of having a discussion regarding how to include Coburg one way or another. Regarding the methodology, she said what we gain in time, we may lose in time and money if we have a lawsuit filed. She asked staff if the methodology could be reviewed to see if it could be changed to be more amenable within a short period of time.

Councilor Ballew said a year ago we were exactly in the same position and she does not believe it will get better.

Mr. Colwell said that Springfield City Attorneys, Joe Leahy and Meg Kieran, Eugene City Attorneys, and MWMC Attorneys have all concluded that the city's methodology complies with the state statute that will be effective July 1, 2004. The attorneys are convinced there is nothing in that statute that requires the project list to be part of the methodology. It is always possible to delay or to review this further, but a lengthy public process has been completed over the last year and holding things up to serve a special interest may not put out a good message.

Ms. Kieran said the public process has included participation by everyone over a lengthy period of time, including membership on the CAC and availability of legal representatives to negotiate any issues if that was a possibility. She is not sure more time is the answer.

Councilor Fitch said a year or so ago when the city talked with the HBA and looked at this process, an agreement was entered into at that time. The city costs for the year long process has been well over \$500,000. Access was given to those on the committee and those representing others on the committee to our consultants. She prefers to find agreements, but this is a time when we must agree to disagree. We are under time constraints, we need to solve these problems and move forward for the safety of our community. There is a balancing act between the SDC's and the user fees, as there are not federal grants available for this project. Time will not change anyone's positions on this and we must move forward with what the experts are saying is the correct way to go.

Councilor Ralston said we have sound methodology and our position is defensible. He asked staff to comment on the table referred to by Ms. Cuellar.

Mr. Colwell said one table is the twenty year project list that was part of the facility plan that council adopted on May 17, 2004. Another table shows the allocation of those projects to the SDC process. How they are allocated is part of the methodology. The methodology takes all of those projects and allocates them in a manner described in the methodology. When the methodology was made available sixty days prior to this public hearing as prescribed by state statute, a packet of materials with the methodology went along which included the project list, the project allocations and all related documents. The SDC's for a particular development could have been calculated using these documents during this review period.

Councilor Woodrow asked about the twenty year Capital Improvement Program (CIP). He asked if it was a fixed twenty year period or if it continued to increment every five years or so.

Mr. Colwell said it is a fixed twenty year period. The project list and the study cover population projections and wastewater needs through 2025. Within the project list, there are updates scheduled every five years to keep up to date on regulatory changes and other unusual circumstances that might arise.

Councilor Woodrow mentioned that Coburg would only be a one percent addition to our current capacity. He asked if our plan for increasing the capacity would be able to absorb that increase if Coburg was added.

Ms. Smith said we have current capacity constraints at the facility, particularly around wet-weather flow. However, the twenty year plan is flexible enough that if a study was done and the governing bodies determined the City of Coburg should be connected, we could initiate an update to the facility plan as needed to accommodate any escalation of phasing of projects. Staff wouldn't foresee the constraint of the twenty year plan as a hindrance in connecting Coburg.

Councilor Woodrow asked if that would have to be done prior to the DEQ permit.

Ms. Smith said the current DEQ permit extends from 2002 through 2006. The project to connect Coburg would require a need to completely reopen our NPDES Permit with a new process and all that entails.

Councilor Woodrow asked about the current increase and if that would require a new permit.

Ms. Smith said the council approved the facility plan and it is undergoing the same type of review at Lane County and the City of Eugene. Once it has been reviewed by all three jurisdictions, it will be forwarded to DEQ for approval. DEQ's review is to approve the facility plan in accordance with their guidance for twenty year for community facility plans. We do not need to seek a permit modification for that to be approved.

Mayor Leiken asked Mr. Hudson if Coburg was currently on septic. Mr. Hudson said that is correct. The entire City of Coburg is on septic. The Mayor noted that Coburg has the second largest cluster of Recreational Vehicle (RV) manufacturers in the United States with about 3500 employees. Mayor Leiken has met with Coburg's Mayor Volta and Eugene's Mayor Torrey and they know that this process will take time. He suggested City Manager Mike Kelly meet with the City Manager of Coburg, the City Manager of Eugene and the Lane County Administrator to

begin the process of discussions on this issue. Coburg may not have a say in changing the Metro Plan, but could be advisory or consulting. It is important to have this dialogue and see what can be done and the time involved.

Council consensus was to direct the City Manager to begin discussions regarding the possibility of Coburg joining the MWMC.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-28. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

Mayor Leiken said this item was difficult for council, but there was a need. There are times when the long term future of the community needs to be considered.

Councilor Fitch commended staff for going through this process and taking the time to get more public input as council directed. They did so graciously and weathered it well. She also thanked Councilor Ballew for attending the meetings.

Mayor Leiken commended Councilor Ballew for her leadership.

3. Proposed Springfield Development Code Amendments.

City Planner Gary Karp presented the staff report on this item. Last year, the Springfield City Council established the Campus Industrial Advisory Committee (CIAC) to evaluate the siting of new uses and the reuse of existing buildings within the CI District, and to eliminate ambiguities of current Code language.

The proposed amendments arose from the denial of a Formal Interpretation application submitted to the city in late 2002. Northbank Properties LLC, representing Eugene Moving and Storage, stated their client should be able to locate within the CI District because their use was a Regional Distribution Headquarters, even though there was no industrial component to the proposed use. The Hearings Official disagreed and denied the application. In March 2003, Northbank agreed to drop an appeal if the City Council established a CIAC to review Article 21 with staff. The CIAC consisted of: City Councilor Stu Burge, Planning Commissioner Steve Moe; Jack Roberts, representing the Lane Metro Partnership; David Divini, representing Northbank Properties LLC; and Silva Sullivan, representing Chambers Construction. The proposed amendments apply to the city's two CI District sites, Gateway and the Pierce property. The proposed amendments are based upon suggestions by the CIAC, balanced against the current Metro Plan designation and State-wide Planning Goals 9 (Economic Development) and 12 (Transportation). Staff discussed the proposed amendments with the Springfield Chamber of Commerce's Legislative Committee and the Area Commercial/Industrial Realtors group. Staff also met with representatives from the Oregon Department of Transportation and the Lane Regional Air Pollution Authority. Staff presented the proposed amendments to the Planning Commission at a work session on May 4th and at a public hearing on May 18th where the record was requested to be held open for 10 days. On June 15th, the Planning Commission discussed this issue and voted 5 to 0 with 2 abstentions to forward the proposed amendments to the City Council for adoption. However, the June 15th date did not allow for the completion of the adopting Ordinance in a timely manner for the June 21st City Council public hearing. A property owner notice consistent with State regulations was mailed in April that announced both the Planning Commission public hearing date (May 18th) and the City Council public hearing date (June 21st) to all affected land owners. In order to avoid

re-noticing these property owners, staff requests that the City Council open the public hearing on June 21st with a continuance until July 6th in order to allow public comment on revisions to the proposed amendment.

Mayor Leiken opened the public hearing.

No one appeared to speak

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO CONTINUE THE PUBLIC HEARING UNTIL JULY 6, 2004. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

4. An Ordinance Repealing Appendix 1 of the Springfield Development Code.

ORDINANCE NO. 6090 – AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD REPEALING APPENDIX 1, DEVELOPMENT CODE FEE SCHEDULE OF THE SPRINGFIELD DEVELOPMENT CODE AND DECLARING AN EMERGENCY.

Planning Supervisor Mel Oberst presented the staff report on this item. The repeal of Appendix 1, Development Code Fee Schedule, from the ordinance of the Springfield Development Code, allows the City Council to then adopt the development code fee schedule by resolution and amend it to the Master Schedule of Miscellaneous Fees and Charges, Rates, Permits and Licenses.

Land development fees are codified as Appendix 1 of the Springfield Development Code. Any changes to the fees require a change by ordinance with public notice and a public hearing before the City Council. All other fees of the city are contained within the Master Schedule of Miscellaneous Fees and Charges, Rates, Permits and Licenses which is maintained by the Finance Director and routinely amended by the council by resolution in a public meeting. The resolution process is the expedient method to conduct the business of the council in a uniform manner for all city fees.

There is no financial impact from the adoption of this ordinance. This ordinance has an emergency clause to expedite the authority of the council to adopt new development code fees by resolution so they will be effective by beginning of the fiscal year on July 1.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT ORDINANCE NO. 6090. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

5. An Ordinance Amending Section 1.070 "Fees" of the Springfield Development Code.

ORDINANCE NO. 6091 – AN ORDINANCE AMENDING SECTION 1.070 “FEES” (1) OF ARTICLE 1 “GENERAL PROVISIONS” OF THE SPRINGFIELD DEVELOPMENT CODE TO PROVIDE THE CITY COUNCIL TO ESTABLISH FEES BY ORDINANCE OR RESOLUTION FOR THE PERFORMANCE OF THE ACTIONS AND REVIEWS REQUIRED BY THE SPRINGFIELD DEVELOPMENT CODE, AND DECLARING AN EMERGENCY.

Planning Supervisor Mel Oberst presented the staff report on this item. This amendment to the Springfield Development Code allows the City Council to amend development code fees by resolution.

Land development fees are codified as Appendix 1 of the Springfield Development Code. Any changes to the fees require a change by ordinance with public notice and a public hearing before the City Council. All other fees of the city are contained within the *Master Schedule of Miscellaneous Fees and Charges, Rates, Permits and Licenses* which is maintained by the Finance Director and routinely amended by the council by resolution in a public meeting. The resolution process is the expedient method to conduct the business of the council in a uniform manner for all city fees.

There is no financial impact from the adoption of this ordinance. This ordinance has an emergency clause to expedite the authority of the council to adopt new development code fees by resolution so they will be effective by beginning of the fiscal year on July 1.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT ORDINANCE NO. 6091. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

Mayor Leiken recognized some scouts in the audience who were attending the council meeting to earn a badge.

CORRESPONDENCE AND PETITIONS

1. Correspondence from Andrew H. Stamp, Attorney at Law, 4248 Galewood Street, Suite 2, Lake Oswego, OR Regarding MWMC Regional Sewer SDC Methodology. (see attached memo)
2. Correspondence from Roxie Cuellar, Home Builders Association, 2053 Laura Street, Springfield, OR Regarding Attached Letter from Michael H. Kortenhoff of the Department of Environmental Quality (DEQ).
3. Correspondence Submitted by Reed Fuel and Trucking, 4080 Commercial Avenue, Springfield, OR Signed by Eight Individuals Representing the Trucking Industry Regarding the Springfield Fuel Tax with Attached Letters of Incurred Costs Since Three Cent Tax was Implemented.

Councilor Fitch referred to the letter from Reed Trucking signed by eight individuals representing the trucking industry. Councilor Fitch had the opportunity over the last year to have several conversations with the trucking industry, with the most recent meeting taking place last week with the Mayor. Due to the weight mile tax and registration fee that is tied in with OTIA III, these truckers are being double and triple taxed. The letter was generated to ask council to consider offering them the option of applying for a refund as is offered to other agencies such as Lane Transit District (LTD) and the School District. Gary Reed suggested that rather than applying for a full refund, as these other agencies do, they could apply for a partial refund of 2.5 cents, so they would continue to pay their share for travel within Springfield. Councilor Fitch would like to suggest asking staff to look into this and see what the implications would be if this refund were in place. Staff could then bring it back to council for discussion and consideration.

Mayor Leiken noted that this would be voluntary and each trucking company would have to go through a process of applying if they chose to do so.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ACCEPT THE CORRESPONDENCE FOR FILING WITH STAFF FOLLOW-UP ON THE LETTER FROM REED TRUCKING. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments.

a. Police Planning Task Force.

Police Chief Jerry Smith presented the staff report on this item. There are four existing vacancies on the Police Planning Task Force. One is the School District representative and three are citizen-at-large positions. Ten candidates have applied.

The Police Planning Task Force received a total of 10 applications to fill current vacancies. Applications were received from Diana Garcia, Bruce Webber, Gery VanderMeer, Juan Cuadros, Carol Dickenson, Bryan Smeltzer, Mark Watson, Wesley Seckler, Fred Simmons, and Tina Novack.

It was determined that Tina Novack does not live within the city limits and is not eligible to apply except as a business representative. Since there are currently no business owner positions available on the task force, she was not interviewed.

Candidates were interviewed on May 26th, May 27th, and June 3rd, 2004. The task force recommends that Mark Watson be appointed to represent the Springfield School District, and that Diana Garcia, Bruce Webber and Fred Simmons be appointed as citizen-at-large members.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPOINT MARK WATSON TO THE POLICE PLANNING TASK FORCE AS THE SPRINGFIELD SCHOOL DISTRICT REPRESENTATIVE WITH A TERM EXPIRING JUNE 21, 2008. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPOINT DIANA GARCIA, BRUCE WEBBER AND FRED SIMMONS TO THE POLICE PLANNING TASK FORCE AS CITIZEN-AT-LARGE MEMBERS WITH TERMS EXPIRING JUNE 21, 2008. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

2. Business from Council

a. Committee Reports

1. Councilor Ballew said regarding the Metropolitan Policy Committee (MPC) there is a new advisory committee to put together the structure, composition and duties of a Citizen Advisory Committee.
2. Councilor Woodrow met with Public Safety Coordinating Council last week. He and Chief Smith are members of that council. There was a vote to include the Police Chief from the City of Eugene to the council. As vice chair, Councilor Woodrow has asked the chair to include him in agenda packet information. He also asked Chief Smith for information to assist the PSCC.
3. Mayor Leiken acknowledged that Councilor Woodrow would be the chair of the PSCC next year and Councilor Ballew would be chair of the MPC next year. He said MPC needed to vote on transportation infrastructure around the new courthouse and it was not unanimous. There was a no vote by Councilor Bettman from the City of Eugene.
4. Councilor Fitch reminded council of the Joint Elected Officials meeting tomorrow night, June 22.

BUSINESS FROM THE CITY MANAGER

1. Amend the Master Schedule of Miscellaneous Fees and Charges, Rates, Permits and Licenses to include all Fees in the Attached Development Code Use Fee Schedule.

RESOLUTION NO. 04-29 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AMENDING THE CITY OF SPRINGFIELD MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS AND LICENSES TO INCLUDE ALL FEES AS SET FORTH IN THE ATTACHED REVISED DEVELOPMENT CODE FEE SCHEDULE.

Planning Supervisor Mel Oberst presented the staff report on this item. The development code fee schedule reflects an increase in fees generally from 35% cost recovery to 50% cost recovery of the cost of the particular services provided by the land use application review program.

In November 2003 the council directed staff to return in the spring 2004 with a proposal for increasing recovery of all cost for the land development review program. Staff prepared fee increases reflecting a 50%, 75% and 100% cost recovery for the council's consideration. Land development fees are codified as Appendix 1 of the Springfield Development Code. Any changes to the fees require a change by ordinance with public notice and a public hearing before

the City Council. All other fees of the city are contained within the *Master Schedule of Miscellaneous Fees and Charges, Rates, Permits and Licenses* which is maintained by the Finance Director and routinely amended by the council by resolution in a public meeting. The resolution process is the expedient method to conduct the business of the Council in a uniform manner for all city fees.

The council fee policy established in 1996 was to ultimately recover 60% of the processing cost within the city limits and 75% of the cost in the urbanizing area. In November 2003 the City Council adopted new fees to increase the cost recovery of the land development review program from 29% to 35%. The council also directed staff to return in the spring 2004 with a proposal for increasing recovery of all cost for the land development review program. Staff prepared fee increases reflecting a 50%, 75% and 100% cost recovery for the council's consideration. At the March 29, 2004 work session the City Council established a policy to attain a 50% cost recovery of the land development review program and instructed staff to bring a new fee schedule for review and adoption reflecting their policy.

It is estimated that the increase in land development fees will result in \$200,000.00 additional revenue to the General Fund by the end of Fiscal Year 2005.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-29. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder